

REMARKS

In response to the Office Action dated December 03, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Claims 1-43 are pending in the present Application, claims 1, 32, and 36-37 have been amended. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-12, 15-34, and 36-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cai et al., US Patent Number 6,590,970 (hereinafter "Cai") for the reasons stated on pages 2-4 of the Office Action. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1

Amended claim 1 recites, a method for setting a limit on the duration of a voice channel communication, comprising: receiving a communication from a subscriber on a first network element, said communication causing said first network element to send a request to a second network element; in response to said request, sending a message from said second network element to said first network element, causing said first network element to request entry of demarcation information, wherein said demarcation information comprises a demarcation interval; receiving said demarcation information at said first network element; communicating said demarcation information to said second network element, causing said second network element to store said demarcation information; and wherein said subscriber provides said demarcation information.

Cai does not disclose, either expressly or inherently, all of the elements of claim 1. Specifically, Cai does not disclose a method for setting a limit on the duration of a voice channel communication wherein said subscriber provides said demarcation

information, as disclosed in claim 1. Rather, Cai discloses an intelligent-networked telephone system having advertisement with bonus free phone call service that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. Furthermore, Cai does not teach or suggest allowing the caller or subscriber to determine the length of the free bonus call, in fact such an arrangement would be counter intuitive given the disclosure in Cai since the sponsoring entity is billed for the free bonus call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 1. Claims 2-9 depend from claim 1; thus, these claims are believed to be allowable at least due to their dependency on claim 1.

Claim 2

Claim 2 recites, the method of claim 1, wherein storing said demarcation information comprises: comparing said demarcation interval to a default demarcation interval; determining which quantity is a lesser quantity; and storing said lesser quantity as said demarcation interval. Cai does not disclose, either expressly or inherently, comparing said demarcation interval to a default demarcation interval. Rather, Cai discloses an intelligent-networked telephone system having advertisement with bonus free phone call service that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. Furthermore, Cai only discloses having a default demarcation interval and does not disclose or suggest comparing an alternate demarcation interval for determining the length of a call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 2. Claim 2 is believed to be allowable for at least these reasons in addition to its dependence upon claim 1.

Claim 6

Claim 6 recites, the method of claim 1, wherein said receiving of said demarcation information comprises receiving said demarcation interval as a monetary quantity. Cai does not disclose, either expressly or inherently, receiving said demarcation interval as a monetary quantity. Rather, Cai discloses using an algorithm to bill a sponsoring entity for a free bonus call of that last a determined time period. Cai does not teach or suggest limiting the length of the free bonus call as a function of the cost of the

call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 6. Claim 6 is believed to be allowable for at least these reasons in addition to its dependence upon claim 1.

Claim 10

Claim 10 recites, A method for providing a demarcated voice channel communication, comprising: receiving a communication at a first network element, said communication having identification information associated therewith, including identification information for a first station and a second station; providing said identification information from said first network element to a second network element; in response to receiving said identification information, said second network element: determining a demarcation interval for said communication based on demarcation information provided by a subscriber, and providing a demarcation message to said first network element, said demarcation message including said demarcation interval; and in response to receiving said demarcation message, said first network element: routing said communication for connection between said first station and said second station, and indicating the expiration of said demarcation interval.

Cai does not disclose, either expressly or inherently, all of the elements of claim 10. Specifically, Cai does not disclose a method for providing a demarcated voice channel communication capable of determining a demarcation interval for said communication based on demarcation information provided by a subscriber, as recited in claim 10. As explained above, Cai discloses an intelligent-networked telephone system having advertisement with bonus free phone call service that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. Furthermore, Cai does not teach or suggest allowing the caller or subscriber to determine the length of the call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 10. Claims 11-23 depend from claim 10; thus, these claims are believed to be allowable at least due to their dependency on claim 10.

Claims 16 and 18

Claim 16 is believed to be allowable for at least the same reasons given for claim 6 in addition to its dependence on claim 10. Claim 18 is believed to be allowable for at

least the same reasons given for claim 2 in addition to its dependence on claim 10.

Claim 24

Claim 24 recites, a system for setting a limit on the duration of a voice channel communication, comprising: a first network element, functionally connected to a telecommunications network; a second network element, functionally connected to said telecommunications network, wherein said second network element comprises: a caller-controlled call demarcation entry component, and a demarcation information data store, wherein said demarcation information comprises a demarcation interval; and a link functionally connecting said first network element and said second network element.

Cai does not disclose, either expressly or inherently, all of the elements of claim 24. Specifically, Cai does not disclose a caller-controlled call demarcation entry component, as recited in claim 24. Rather, Cai discloses an intelligent-networked telephone system having advertisement with bonus free phone call service that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. Furthermore, Cai does not teach or suggest allowing the caller or subscriber to determine the length of the free bonus call, in fact such an arrangement would be counterintuitive given the disclosure in Cai since the sponsoring entity is billed based on the length of the free bonus call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 24. Claims 25-31 depend from claim 24; thus, these claims are believed to be allowable at least due to their dependency on claim 24.

Claim 32

Amended claim 32 recites, A system for providing a demarcated voice channel communication, comprising: a telecommunications network; a first network element, functionally connected to said telecommunications network; a second network element, functionally connected to said telecommunications network, wherein said second network element comprises: a call demarcation component, and demarcation information data store, wherein said demarcation information comprises a demarcation interval; a link functionally connecting said first network element and said second network element; and a first station functionally connected to said first network element, wherein said demarcation interval is provided by a subscriber.

Cai does not disclose, either expressly or inherently, all of the elements of claim 32. Specifically, Cai does not disclose a system for providing a demarcated voice channel communication wherein said demarcation interval is provided by a subscriber, as recited in claim 32. Rather, Cai discloses an intelligent-networked telephone system having advertisement with bonus free phone call service that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. Furthermore, Cai does not teach or suggest allowing the caller or subscriber to determine the length of the free bonus call, in fact such an arrangement would be counterintuitive given the disclosure in Cai since the sponsoring entity is billed based upon the length of the free bonus call. Therefore, Cai does not disclose, either expressly or inherently, all of the elements of claim 32. Claims 33-43 depend from claim 32; thus, these claims are believed to be allowable at least due to their dependency on claim 32.

Claim Rejections Under 35 U.S.C. § 103

Claims 13 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cai for the reasons stated on page 5 of the Office Action. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 13 and 15 recite in pertinent part, "a password, said password causing said second network element to determine that said demarcation interval is infinite." Cai does not disclose, teach, or suggest, either expressly or inherently, a password, said password causing said second network element to determine that said demarcation interval is infinite. In fact Cai teaches away from such a password, while the examiner correctly

points out that a sponsor entity could in theory set a predetermined duration equal infinite such a setting would be counterintuitive since sponsor is billed for the call based upon the duration of the call and therefore it would be highly unlikely that the sponsor would set the duration to infinite. Furthermore, Cai discloses a system wherein the sponsor entity sets a predetermined duration for the call in contrast to the claimed elements of claim 10 and 32 where the caller or subscriber provides the demarcation information. Claims 13 and 15 are believed to be allowable for at least these reasons in addition to their dependence on claims 10 and 32 respectively.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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